

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 7, 9-10 and 15-16 are amended without prejudice or disclaimer.

#### **Rejection of Claims 15-16 Under 35 U.S.C. §101**

The Office Action rejects claims 15-16 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Assignee has amended claims 15 and 16 to address the 35 U.S.C. §101 issue. Based on these amendments, these claims now recite statutory subject matter as required under §101.

#### **Rejection of Claims 1-16 Under 35 U.S.C. §112**

The Office Action rejects claims 1-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Assignee has made appropriate amendments to clarify each issue with respect to this rejection. Specifically, claims 7, 9 and 10 are amended to clarify the composite maps and to provide antecedent basis back to claim 1.

Claims 1, 15 and 16 are also amended to address each of the issues identified in Section 8.b. in the rejection. Accordingly, the claims each comply with 35 U.S.C. §112.

#### **Rejection of Claims 1, 3-8, and 15-16 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1, 3-8, and 15-16 under 35 U.S.C. §103(a) as being unpatentable over Gao et al. (U.S. Patent Publication No. 2006/0250977) (“Gao et al.”).

Assignee traverses this rejection and notes that Gao et al. has a filing date of May 4, 2005. This reference is not appropriate prior art because the present application is recognized as a 371 National Stage of PCT/US2005/008299 filed on March 11, 2005. See the filing receipt in the present case dated 03/04/2008 as well as the confirmation No. 7017 371 acceptance letter mailed

03/04/2008 which confirms the filing date of 03/11/2005. Accordingly, since the priority date of the present case predates the filing date of Gao et al., this reference cannot be cited against the claims. Therefore, claims 1, 3-8 and 15-16 are patentable and in condition for allowance.

**Rejection of Claims 2 and 9 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 2 and 9 under 35 U.S.C. §103(a) as being unpatentable over Gao et al., in view of Turner et al. (U.S. Patent Publication No. 2006/0179106) (“Turner et al.”). Similar to the arguments set forth above, claims 2 and 9 are patentable inasmuch as Gao et al. should not be cited as prior art.

**Allowable Subject Matter**

The Office Action states that claims 10-14 will be allowed if rewritten to overcome the rejection under 35 U.S.C. 112 2<sup>nd</sup> paragraph. Assignee thanks the Examiner for indicating allowable subject matter in claims 10-14. However, inasmuch as the other issues have been appropriately addressed above, Assignee declines at this time to amend the claims.

**CONCLUSION**

Having addressed all rejections and objections, the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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